

June 18, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20445

Dear Ms. Dortch:

This letter is in reference to MB Docket No. 04-160 and is in support of the National Association of Broadcasters' Petition. Legend Communications of Wyoming LLC owns or operates 11 stations in the state of Wyoming. We take pride in our stations' commitment to providing the best local radio service possible to our communities. We are therefore quite concerned by the recent broken promises of XM Radio Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius") and the advent of their "localized" traffic and weather services. While these services are not yet available in smaller markets like ours, we fear that providing such services to the top twenty-one markets is just the beginning. Smaller local broadcasters like our company are even more vulnerable to such "localized" satellite services. The majority of expense at small stations like ours is the cost of hiring employees to provide local news, weather and community-oriented programming. For these employees, the advent of supposedly national services offering "localized" news and weather is also a threat to their very employment.

As a company we are committed to providing predominantly live, local radio and are willing to invest in our stations and communities in order to provide such service. However, if XM and Sirius are allowed to enter our markets on a local level, they will significantly affect our very ability to provide the wide gamut of local service that we now offer.

In granting licenses for satellite radio, the FCC relied on the express promises made by XM and Sirius that their services would be national-only. They would also provide multiple foreign language programming, senior citizens and children's programming. Because satellite radio would be national, local broadcasters would not be harmed.

Now XM and Sirius have broken this promise of national-only programming. Without FCC intervention, XM and Sirius will be able to reach into every market with "localized" service. They will be able to affect local broadcasters economically which will, in turn, affect our ability to provide the truly local service that benefits our communities. Satellite does not have ownership limits or public interest limits. They

have no local investment in their communities. We have made that investment willingly and we prove it every day. In addition, local radio is the only daily local news and weather service available in our communities. XM and Sirius will never be able to offer the full range of services that local terrestrial radio provides. Our stations are there and our employees are there serving every day. If XM and Sirius are allowed to threaten our business, it will also threaten our ability to offer the wide breadth of community oriented programming that goes well beyond news and weather.

Below are only a few examples of how Legend Communications of Wyoming serves our local communities.

The Legend Communications of Wyoming stations serve as EAS stations, and it is our responsibility to inform the public of weather emergencies. In June 2003, a tornado and severe hailstorm hit the Gillette downtown area, causing millions of dollars in damages. Our stations were on the air announcing the emergency information, as well as instructions after the storm. Additionally, we interviewed local insurance agencies on the steps that needed to be taken by our listeners to collect on damages incurred by the storm. We are proud that Legend Communications of Wyoming's stations were also among the first in the state to participate in the nationwide Amber Alert effort.

Our local news and sports departments have full time employees who provide the most up to date news and sports coverage information to our audiences. In news, we commonly break stories in our communities plus allow the local Police Department monthly time to discuss our local Crime Stoppers Program. It is an incentive program for people with information about area crimes, to call into a local numbers, anonymously and report on crimes or witnessed details to crimes. We also assist in announcements involving local D.A.R.E. programs.

Programs like "WAKE UP WYOMING" a four hour live morning program with local, state and regional news, weather and sports include daily school lunch menus, local yard sales, road closures and other newsworthy information. "PARTY LINE" is another program available for local people to come on air talk about events and issues in the community. "SPEAK YOUR PIECE" provides an opportunity for listeners to call in and voice their opinions on local, state, national or international issues.

In sports, our stations carry both boys and girls sports, including Basketball, Football and Volleyball. We also report on extra curricular activities in the area outside of the school sponsored events including hockey, little league baseball, adult softball, Legion Baseball, Sporting Summer Camps, affiliates of the Denver Bronco's, Rockies, and Wyoming Cowboys. We feature sports talk shows that bring in local coaches and athletes, and give them the opportunity to be recognized for their hard work.

We carry many community events live such as the 4th of July parades, fairs and festivals, campaign coverage, Cody Night Rodeo events, Buffalo Bill Historical Center ceremonies and many more.

The Legend Communications of Wyoming stations are involved in countless projects. Each Christmas we have a food drive for the local pantry, we do a school supply drive along with the Boys & Girls Club, and we participate in the JayCee's dunk tank annually to promote community wellness. We also help the United Way, United Blood Services, etc. Additionally, each month we air many hours of public service announcements for local individuals or groups needing assistance. Our local involvement does not end with the programming on our stations. Everyone who works at our stations is involved in local organizations and charities and spend countless hours volunteering to make our communities stronger.

Finally, Legend Communications of Wyoming has made significant charitable investments in the communities we serve with major five figure cash donations supporting the construction of the local athletic center in Cody as well as for the donation of a bronze sculpture for the City of Sheridan.

The FCC, in authorizing satellite radio, vowed to protect "vibrant" local broadcasting and promised to take "any necessary action to safeguard the important service that terrestrial radio provides." The time for that action is now.

We support the NAB Petition on MB Docket No. 04-160. Thank you for your consideration.

Sincerely,

Susan K. Patrick
Executive Vice President
Legend Communications of Wyoming LLC